

sion of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

R-4403 GAINESVILLE, MISS.

Boundaries. Beginning at latitude 30°-21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.

Altitudes. From surface to 5,000 feet MSL. Time of use. Continuous.

Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

Controlling agency. Federal Aviation Agency, Houston ARTC Center.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 12, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-8750; Filed, Aug. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-48]

PART 75—ESTABLISHMENT OF JET ROUTES

Jet Routes; Alteration; Amendment

On July 31, 1965, Federal Register Document No. 65-8097 was published in the FEDERAL REGISTER (30 F.R. 9577) amending Part 75 of the Federal Aviation Regulations, effective August 26, 1965, by realigning Jet Route No. 503 from Seattle, Wash., to the United States/Canadian border, via the Seattle direct radial to Princeton, British Columbia; and realigning Jet Route No. 517 from Spokane, Wash., to Kimberley, British Columbia, excluding the portion which lies over Canadian territory. These actions were executed upon the request of the Canadian Department of Transport to realign the jet routes via new Canadian VOR facilities in lieu of the Canadian LF facilities.

Jet Route No. 3 is presently aligned in part from Spokane, Wash., to the Kimberley, British Columbia, Canada radio range, excluding the portion that lies over Canadian territory. This alignment coincides with the present alignment of Jet Route No. 517; however, Jet Route No. 3 was inadvertently omitted from Federal Register Document No. 65-8097. Action is taken herein to amend this document so as to realign Jet Route No. 3 to coincide with Jet Route No. 517 north of Spokane.

Since this amendment effects a negligible change in the airspace assignments within the United States, notice and public procedure hereon are unnecessary and the effective date of the amendment, as initially adopted, is retained.

In consideration of the foregoing, Federal Register Document No. 65-8097 (30 F.R. 9577) is amended, effective immediately, as hereinafter set forth.

Paragraph c. is added as follows:

c. In Jet Route No. 3 "the Kimberley, British Columbia, Canada, RR." is de-

leted and "Kimberley, British Columbia," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 12, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-8751; Filed, Aug. 18, 1965; 8:45 a.m.]

[Reg. Docket No. 6395; Amdts. Nos. 91-23; 129-2]

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Airborne Distance Measuring Equipment; Foreign Aircraft

The purpose of this amendment is to require foreign civil aircraft when operating within the 48 contiguous States and the District of Columbia to be equipped with distance measuring equipment (DME).

This amendment is based on a notice of proposed rule making (Notice 64-53) issued on December 18, 1964, and published in the FEDERAL REGISTER on December 23, 1964 (29 F.R. 18232). The comment period for the original notice expired on February 22, 1965. However, subsequent to that date, it came to the Agency's attention that some foreign air carriers, who did not receive a copy of the notice, desired to make comments on the proposal. The Agency extended the comment period until May 31, 1965, by a notice published in the FEDERAL REGISTER on May 12, 1965 (30 F.R. 6541).

Most of the comments received either approved of, or offered no objection to, the Agency's proposal to require foreign civil aircraft to be equipped with DME when operating within the 48 contiguous States and the District of Columbia. One comment, while offering no objection to the proposal to require DME for operations above 24,000 feet MSL, did object to requiring installation of DME in all turbopropeller powered aircraft after June 30, 1966, regardless of the altitude flown. The Federal Aviation Regulations (§ 121.349(c)) now require all United States air carrier and commercial operator turbopropeller powered airplanes to be equipped with DME regardless of the altitude flown. The VORTAC system of air navigation is premised on the fact that, for maximum safety and efficiency, distance information from a DME is as important as the bearing information from the VOR. Furthermore, the VORTAC RHO Theta System of short range navigation has been adopted not only by the United States, but also by all members of ICAO as the international standard until 1975. In view of the above, the Agency does not agree that an exception should be made for turbopropeller powered airplanes operated by foreign air carriers below 24,000 MSL.

Several commentators stated that while they did not object to the require-

ment for the installation of DME equipment, the proposed mandatory installation date of December 31, 1965, did impose a substantial hardship in view of the short period remaining to arrange for the installation of the equipment. The Agency believes, after reviewing these comments, that the foreign air carriers concerned have made a bona fide effort to arrange for installation of the DME equipment as soon as possible assuming this amendment is adopted, and that any inability to meet the proposed December 31, 1965, date would be due to difficulty beyond their control. Accordingly, the Agency has decided to delay the initial date for compliance with the requirement for installing DME for operations above 24,000 feet MSL and for all turbine engine powered airplanes until December 31, 1966.

Section 91.161 is being amended by adding thereto the word "civil" before the word "aircraft" to correct a typographical omission that occurred when that section was recently amended in amendment 91-19. This amendment to § 91.161 is being made effective September 21, 1965, to coincide with the effective date of amendment 91-19.

Interested persons have been afforded an opportunity to participate in the making of this amendment (29 F.R. 18232, Notice 64-53), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, §§ 91.43 and 129.17 of the Federal Aviation Regulations are amended effective September 18, 1965, and § 91.161, thereof is amended effective September 21, 1965, as follows:

1. By amending § 91.43 by adding a new paragraph (e) to read:

§ 91.43 Special rules for foreign civil aircraft.

(e) Flight at and above 24,000 feet MSL.

After December 31, 1966, if VOR navigational equipment is required under paragraph (c) (1) (ii) of this section, no person may operate a foreign civil aircraft in the 48 contiguous States or in the District of Columbia, at and above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

2. Section 91.161(a) is amended by inserting the word "civil" before the word "aircraft".

3. By amending § 129.17 by designating the present text of the section as paragraph (a), and adding a paragraph (b) to read as follows:

§ 129.17 Radio equipment.

(b) Whenever VOR navigational equipment is required by paragraph (a)

of this section, at least one distance measuring by equipment (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated after December 31, 1966, within the 48 contiguous States and the District of Columbia at and above 24,000 feet MSL and must be installed on each of the following airplanes, regardless of the altitude flown, when operating within the 48 contiguous States and the District of Columbia after the indicated dates.

(1) Turbine engine powered airplanes and pressurized reciprocating engine powered airplanes—December 31, 1966.

(2) Other airplanes having a maximum certificated takeoff weight of more than 12,500 pounds—December 31, 1967.

(Secs. 313(a), 307, and 901 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1348, and 1421)

Issued in Washington, D.C., on August 11, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-8752; Filed, Aug. 18, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

FD&C Red No. 4

There was published in the FEDERAL REGISTER of December 11, 1964 (29 F.R. 16983), an order terminating the provisional listing of FD&C Red No. 4 for use in foods and ingested drugs and cosmetics because toxicity studies available at that time offered no basis for continued provisional listings for these general uses. The order permitted 180 days for the continued use of certified batches of the color in food and drugs generally, and did not specify any time limit for the marketing of articles to which the color had been added during the 180-day transition period.

The Commissioner of Food and Drugs has since received requests from industry to permit the use of FD&C Red No. 4 in maraschino cherries. Representatives of the industry groups requesting the use of the color were National Cherry Growers and Industries Foundation, Portland, Oreg., and the Maraschino Cherry and Glacé Fruit Association, Cincinnati, Ohio.

Recently completed studies (with dogs and guinea pigs), not available when the order of December 11, 1964, was issued, show that limited use of FD&C Red No. 4 in maraschino cherries would not be contrary to the public health.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (Title II,

Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (21 CFR 2.90), the transitional color additive regulations and the color certification regulations are amended as set forth below:

§ 8.501 [Amended]

1. Section 8.501 is amended as follows:
a. Paragraph (a) is amended by inserting a new item after FD&C Red No. 3 * * *, as follows:

	Closing date	Restrictions
FD&C Red No. 4 (Sec. 9.63 of this chapter).	Dec. 31, 1966	Sec. 8.503.
* * *	* * *	* * *

b. Paragraph (c) is amended by deleting the item Ext. D&C Red No. 24.

2. Section 8.503 is amended by adding thereto a new paragraph (c), as follows:

§ 8.503 Temporary tolerances.

(c) Since the action outlined in § 8.502 (d) on December 11, 1964, additional studies with two species of animals have been completed. An over-all evaluation of the studies indicates that there would be no hazard to the public health if the use of FD&C Red No. 4 were restricted as follows:

(1) It may be used in food only for the coloring of maraschino cherries at a level not to exceed 150 parts per million by weight of the maraschino cherries. Such weight shall not include packing media, or in the case of candied maraschino cherries, added sugar.

(2) It may be used without quantitative restriction in externally applied drugs and cosmetics.

(3) Labels of the color additive and mixtures containing it shall bear, in addition to other statements required by the act and regulations:

(i) A statement of the quantity of FD&C Red No. 4 in weight per unit volume or percent by weight; and

(ii) The following statement or its equivalent: "This color additive may be used in or on food only for coloring maraschino cherries at a level not to exceed 150 p.p.m. by weight of the maraschino cherries. Such weight shall not include packing media, or in the case of candied maraschino cherries, added sugar. It may be used in externally applied drugs and cosmetics without quantitative restriction."

3. Section 8.510(c) is amended by inserting after the word "food" in both places in the first sentence, the parenthetical phrase "(except maraschino cherries as provided in § 8.503(c))." As amended, the first sentence of paragraph (c) reads as follows:

§ 8.510 Cancellation of certificates.

(c) Certificates issued heretofore for the color additive designated FD&C Red No. 4 (§ 9.63 of this chapter) and of all mixtures containing this color additive are canceled effective 180 days after the date of the publication of this

order¹ insofar as food (except maraschino cherries as provided in § 8.503(c)) and ingested drugs and cosmetics are concerned, and use of this color additive in the manufacture of food (except maraschino cherries as provided in § 8.503(c)) and ingested drugs and cosmetics after that date will result in adulteration. * * *

§ 9.363 [Repealed]

4. Part 9 is amended by repealing § 9.363 Ext. D&C Red No. 24 and by adding to Subpart B the following new section:

§ 9.63 FD&C Red No. 4.

Disodium salt of 2-(5-sulfo-2, 4-xylylazo)-1-naphthol-4-sulfonic acid.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 5.0 percent.

Mixed oxides, not more than 1.0 percent.

Subsidiary dyes, not more than 5.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d) (2) of Public Law 86-618 so provides.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C. note under 376)

Dated: August 16, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-8797; Filed, Aug. 18, 1965; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 825a—GIFTS TO THE DEPARTMENT OF THE AIR FORCE

A new Part 825a is added as follows:

Subpart A—General

Sec.	Purpose.
825a.1	Purpose.
825a.2	Policy.
825a.3	Definitions.
825a.4	Authority to accept or reject gifts.
825a.5	Expenses prior to acceptance.
825a.6	Custodial responsibility.
825a.7	Copyrighted or patented items.
825a.8	Gifts from foreign governments.
825a.9	Gifts of real property.

Subpart B—Unconditional Gifts

825a.20	Acceptance of gifts.
825a.21	Restrictions on acceptance.
825a.22	Rejection of gifts.
825a.23	Form of instruments.
825a.24	Procedures.

¹ Order Dec. 11, 1964.

Subpart C—Conditional Gifts

- Sec.
825a.30 Form of instruments proffering gifts.
825a.31 Acceptance of gifts.
825a.32 Sale of gift property.

Subpart D—Conditional Gifts Not Acceptable Under 10 U.S.C. 2601

- 825a.40 General provisions of the Act of July 27, 1954.

Subpart E—Sample Proffers of Gifts

- 825a.45 Sample proffer of gift by corporation.
825a.46 Sample proffer of gift by individual.
825a.47 Sample proffer of gift to the Air Force Academy in certain special cases.

AUTHORITY: The provisions of this Part 825a issued under sec. 8012, 70A Stat. 488, secs. 2601-2603, 70A Stat. 144-145, 78 Stat. 244; 10 U.S.C. 8012, 2601-2603.

SOURCE: AFR 11-26, March 31, 1959.

Subpart A—General

§ 825a.1 Purpose.

This part prescribes policies and procedures for receiving, accepting, and administering gifts, conditional and unconditional, proffered to the Department of the Air Force. It does not apply to gifts to individual members of the Department of the Air Force, gifts to religious funds, or gifts to nonappropriated welfare and sundry funds. It does not authorize the solicitation of gifts by Air Force personnel.

§ 825a.2 Policy.

The following policies will be considered in determining the matter of acceptance or rejection of a gift:

(a) Whenever possible, gifts of tangible personal property of nominal value should be unconditional, provided that the costs of accepting and maintaining the item will be negligible.

(b) Whenever possible, gifts of tangible personal property of more than nominal value, or gifts of personal property of nominal value, the acceptance and maintenance of which entail more than negligible costs, should be conditional, accepted under provisions of 10 U.S.C. 2601.

(c) Whenever possible, gifts of money or other intangible personal property should be conditional, accepted under the provisions of 10 U.S.C. 2601, and processed in accordance with the provisions of Subpart C of this part.

(d) No arrangements will be made which entail the granting of special privileges or concessions to the donor.

§ 825a.3 Definitions.

(a) *Gift to the Department of the Air Force.* A gift to the Department of the Air Force may be a gift proffered to the United States or a gift proffered to the Secretary of the Air Force, acting on behalf of the United States.

(b) *Unconditional gift of money or other intangible personal property.* A gift of money or other intangible personal property is unconditional if it is proffered with no limitations upon its ownership, use, expenditure, or disposition.

(c) *Unconditional gift of tangible personal property.* A gift of tangible personal

property is unconditional if it is proffered with no limitations upon its ownership, use, or disposition.

(d) *Conditional gift of money or other intangible personal property.* A gift of money or other intangible personal property is conditional if proffered with any limitations upon its ownership, use, expenditure, or disposition.

(e) *Conditional gift of real property or tangible personal property.* A gift of real property or tangible personal property is conditional if proffered on condition that it be used or disposed of in fewer than all of the manners or purposes, and, in the case of tangible personal property, the places, in which it may be used; or if proffered on condition that it be used by specific departments or agencies which are fewer than all of the departments or agencies which normally use such property.

(f) *Items of nominal value.* Items of nominal value are items of an approximate value less than \$100.

(g) *Gift.* Whenever the word "gift" is used it shall be construed to include devises, bequests, donations, and contributions.

(h) *Tangible personal property.* Tangible personal property is divided into three categories:

- (1) Items of historic significance.
- (2) Items of artistic significance.
- (3) Items for current use.

(i) *Items of historic significance.* Air Force historical properties as defined in AFR 210-4 (Air Force Museum Program).

(j) *Items of artistic significance.* Paintings, prints, and other objects of art.

(k) *Items for current use.* Denotes all other items of tangible personal property, including those items which, upon acceptance, will be used by, or for the benefit of, some command, organization, or institution under the jurisdiction of the Department of the Air Force.

(l) *Intangible personal property.* Includes money, checks, money orders, drafts, bonds, shares of stock, and similar documents having a present or future benefit or value.

§ 825a.4 Authority to accept or reject gifts.

The authority to accept or reject gifts proffered to the Department of the Air Force is vested in the Secretary of the Air Force, the commanders of major air commands, the Superintendent of the Air Force Academy, and the Director of the Air Force Museum. This authority depends upon the value and kind of property proffered, as follows:

(a) *Gifts requiring Secretarial acceptance or rejection.* All gifts of real property, gifts of personal property of more than nominal value and gifts of personal property of only nominal value but requiring more than negligible expenditures for their acceptance and maintenance must be accepted or rejected by, or by direction of, the Secretary of the Air Force subject to the policies, procedures, and restrictions in this part.

§ 825a.5 Expenses prior to acceptance.

The Air Force cannot assume responsibility for defraying any expenses in-

curred regarding the proffered gift before it is accepted and while it is in the possession of such donor or of the Air Force under a temporary custody arrangement.

§ 825a.6 Custodial responsibility.

Except where unusual circumstances exist, the Air Force will not accept custody of a gift between the time it is proffered and the time it is accepted. If custody is assumed by the Air Force, the donor will be informed that the Air Force cannot assume responsibility for any loss of or damage to the gift before the gift is accepted by an authorized person.

§ 825a.7 Copyrighted or patented items.

(a) A gift of a copyrighted or patented item will be treated in the same manner as a gift of an item which is not protected by such rights or an item which, though once protected, is presently in the public domain.

(b) Whenever it is contemplated that a gift item, which is protected by a copyright or a patent, will be put to use by the Air Force for such governmental purposes as may come within the scope of the copyright or patent, the acceptance of the gift by the Air Force pursuant to §§ 825a.20 and 825a.31, must be conditioned on the grant of at least a royalty-free license, for such governmental purposes, under the copyright or patent.

(c) There is no objection to a copyright or patent owner making a gratuitous grant to the United States of an assignment of the copyright or patent covering the gift item.

§ 825a.8 Gifts from foreign governments.

(a) Gifts to the Department of the Air Force are not within the constitutional prohibition against the acceptance, without Congressional approval, of gifts to individuals, from foreign governments or personages (see AFR 900-7 (Decorations) (Part 882 of this chapter) concerning decorations from foreign governments). No such approval is required prior to acceptance of gifts to the Department of the Air Force.

(b) The Secretary of the Air Force has not delegated his authority to accept or reject gifts which are intended as gifts from foreign governments to the Department of the Air Force.

(c) No coordination with the Department of State is required prior to acceptance or rejection of a gift by the Secretary of the Air Force.

(d) Proffers of gifts to the United States from foreign governments, under the Act of July 27, 1954 (Ch. 582, 68 Stat. 566; 50 U.S.C.A. 1151-1156) will be processed in accordance with Subpart D of this part.

§ 825a.9 Gifts of real property.

(a) There are several statutory provisions which authorize the Secretary of the Air Force to accept gifts of land and interests therein for particular purposes. (For example, see 10 U.S.C. 9771.)

(b) Gifts of land to the Department of the Air Force most often result from negotiations between the Air Force and

States, municipalities, and other prospective donors. Generally, such gifts are for expansion of existing air bases or for construction of new base facilities. Usually the authority of the Secretary of the Air Force to accept or reject such gifts will be found in one of the several statutes on this subject.

Subpart B—Unconditional Gifts

§ 825a.20 Acceptance of gifts.

In accepting gifts the following rules will be strictly observed:

(a) All unconditional proffers of gifts requiring Secretarial acceptance or rejection (see § 825a.4) will be forwarded to Headquarters USAF, for acceptance or rejection of such gifts by, or by direction of the Secretary of the Air Force.

(b) All unconditional proffers of gifts of personal property of only nominal value may be accepted on behalf of the Secretary of the Air Force by those officers below Secretarial level as designated in § 825a.4, under the following conditions:

(1) The person authorized to accept determines that the costs which will result from the acceptance and maintenance of the proffered gift will be negligible.

(2) Where there is any doubt whether the proffered item is of only nominal value or whether the costs which will result from the acceptance and maintenance of the proffered gift will be negligible, the person receiving the proffer will process the proffer as though the gift were an item of more than nominal value.

§ 825a.21 Restrictions on acceptance.

No unconditional gifts may be accepted if such acceptance involves an expenditure of funds in excess of amounts appropriated by Congress.

§ 825a.22 Rejection of gifts.

(a) The determination to reject any unconditional gift shall be made personally by the person authorized to reject such gifts.

(b) No gift will be rejected unless it is determined that acceptance will not be in the best interest of the Air Force.

(c) Gifts may be rejected under the following circumstances:

(1) The acceptance will involve the expenditure or use of funds in excess of amounts appropriated.

(2) The proffered item is unwarrantedly dangerous.

(3) The proffered item ridicules the Air Force, a sister service, or any other governmental agency.

(4) The proffered item is in bad taste.

(5) Acceptance of the gift could raise a serious question of impropriety in the light of the donor's business relationships or prospective business relationships with the Department of the Air Force.

(6) The cost of acceptance and maintenance will be out of proportion to any benefit which could accrue to the Air Force from an acceptance.

§ 825a.23 Form of instruments.

(a) There is no prescribed form for use by prospective donors in proffering

unconditional gifts. Such proffers may be in the form of a memorandum or a more formal instrument. However, regardless of the form in which the proffer is made, to be unconditional it must not contain any restrictions or limitations upon the ownership, use, expenditure, or disposition of the money or property.

(b) A gift may be unconditional despite the expression in the proffer of a limitation upon its use if the limitation merely requires that the gift be used in the place, manner or purpose for which its normal use is limited by reason of its physical nature.

(c) With respect to unconditional gifts of real property, the proffer of a gift is merely an offer to transfer title to the property to the United States. Acceptance of the gift by the Secretary of the Air Force pursuant to § 825a.20, is subject to the delivery to the Air Force of a deed transferring valid title to the property to the United States. Transfer of title is effected only when, coincident with or subsequent to acceptance of the gift by the Secretary of the Air Force, such a deed is delivered to the Department of the Air Force. Before the Air Force may accept delivery of the deed, the written opinion of the Attorney General is required in favor of the validity of the title.

(d) With respect to all other unconditional gifts, acceptance of the gift effects a transfer of title to the gift property.

§ 825a.24 Procedures.

(a) *Receipt of proffers.* Any person, military or civilian, in the Department of the Air Force may receive an unconditional proffer of a gift to the Air Force, and may also receive the gift item, subject to the provisions of § 825a.6.

(b) *Acceptance.* In every case in which there has not been an oral acceptance, the acceptance of an unconditional gift will be in writing. An oral acceptance will be confirmed in writing.

Subpart C—Conditional Gifts

§ 825a.30 Form of instruments proffering gifts.

(a) There is no prescribed format for use by prospective donors in proffering conditional gifts under the provisions of 10 U.S.C. 2601. The advice of the local Staff Judge Advocate should be sought as appropriate. Such proffers may be in the form of a memorandum, or a more formal instrument. However, whenever a valuable gift is involved, the proffer of the gift should include the following elements, including the language quoted below:

(1) A description of the property proffered which is complete enough so that the gift is readily identifiable.

(2) A statement that the donor is the owner of the property, that he voluntarily gives, transfers, conveys, and assigns the property free and clear of all encumbrances, "to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever," and that the donor relinquishes for himself, his executors,

administrators, successors, and assigns all ownership, rights, title, interest, and possession in the property.

(3) A statement that no arrangements are made which will entail the granting of special concessions or privileges to the donor or to the donor's executors, administrators, successors, and assigns.

(4) A statement that the gift "is made for the benefit of or use in connection with the establishment, operation or maintenance of

(Designated Air Force organization or institution)

or other institution or organization under the jurisdiction of the Department of the Air Force, in conformance with 10 U.S.C. 2601." For language relating to a special class of gifts for the benefit of the Air Force Academy, see § 825a.47.

(5) The signature of the donor and of a witness and the date. If the donor is a corporation or partnership, one of the officers or partners should sign on behalf of the donor.

(6) If the donor is a corporation, a certificate, signed by some other officer of the corporation (usually the secretary) certifying that he is an officer of the corporation, that the person who signed the instrument proffering the gift on behalf of the corporation is an officer of the corporation, and that the instrument proffering the gift was duly signed for and on behalf of the corporation by authority of its governing body and is within the scope of the corporation's powers. The certificate should include the date and should be sealed with the corporate seal.

(b) Sample formats are shown in §§ 825a.45 through 825a.47. They are samples only, and appropriate changes may be made in them depending upon the needs of the individual case.

(c) With respect to conditional gifts of real property under the provisions of 10 U.S.C. 2601, the proffer of gift is merely an offer to transfer title to the property to the Secretary of the Air Force, acting on behalf of the United States of America. Acceptance of the gift by the Secretary of the Air Force pursuant to § 825a.31 is subject to the delivery to the Air Force of a deed transferring valid title to the property to the Secretary of the Air Force, acting on behalf of the United States of America. Transfer of title is effected only when, coincident with or subsequent to acceptance of the gift by the Secretary of the Air Force, such a deed is delivered to the Air Force. Before the Air Force may accept delivery of the deed, the written opinion of the Attorney General is required in favor of the validity of the title. The language of the appropriate forms for proffers of conditional gifts should be revised, with respect to conditional gifts of real property, in accordance with the provisions of this section. (See §§ 825a.45 through 825a.47.)

(d) With respect to all other conditional gifts under the provisions of 10 U.S.C. 2601, acceptance of the gift effects a transfer of title to the gift property to the Secretary of the Air Force acting on behalf of the United States of America.

§ 825a.31 Acceptance of gifts.

(a) The policy of the Department of the Air Force is to accept all conditional gifts unless it is determined that acceptance of a conditional gift will not be in the best interest of the Air Force.

(b) In the acceptance of conditional gifts, the following provisions will be adhered to strictly:

(1) All conditional proffers of gifts requiring Secretarial acceptance or rejection (see § 825a.4) will be forwarded to Headquarters USAF, for acceptance or rejection of such gifts by, or by direction of, the Secretary of the Air Force.

(2) All conditional proffers of gifts of personal property of only nominal value may be accepted on behalf of the Secretary of the Air Force by those officers designated in § 825a.4 under the following conditions:

(i) The person authorized to accept determines that the costs which will result from the acceptance and maintenance of the gift will be negligible.

(ii) In any case in which there is any doubt whether the proffered gift is of only nominal value or whether the costs which will result from an acceptance will be negligible, the gift will be treated as if it were a gift of more than nominal value.

(iii) The person who accepts gifts of nominal value will submit a copy of the instrument proffering the gift and a copy of the instrument accepting the gift to the appropriate individual, as determined by the kind of property involved.

§ 825a.32 Sale of gift property.

(a) The Secretary of the Air Force may, unless specifically prohibited by the terms and conditions of the proffer of a particular gift, convert into money any gift of property, real or personal, received pursuant to 10 U.S.C. 2601.

(b) The proceeds of any such sale shall be treated in the same manner as a gift of money. The proceeds will be deposited in the appropriate account and will be subject to disbursement at the discretion of the Secretary of the Air Force in accordance with the terms and conditions of the proffer of the particular gift.

Subpart D—Conditional Gifts Not Acceptable Under 10 U.S.C. 2601

§ 825a.40 General provisions of the Act of July 27, 1954.

(a) The Secretary of the Treasury is authorized to accept or reject, on behalf of the United States, any gift or other intangible personal property "made on condition that it be used for a particular defense purpose."

(b) The Administrator of General Services is authorized to accept or reject on behalf of the United States any gift or other property, real or personal, "made on condition that it be used for a particular defense purpose."

(c) The Secretary of the Treasury and the Administrator of General Services are required to consult with the interested Federal agencies in carrying out the provisions of the act.

Subpart E—Sample Proffers of Gifts

§ 825a.45 Sample proffer of gift by corporation.

PROFFER OF GIFT

KNOW ALL MEN BY THESE PRESENTS:

That the _____, a corporation,
(Name of company)
the owner of the property listed below, acting
by and through _____

(Name of corporate Officer
signing)

the _____
(President) (One of its vice presidents)

_____ does hereby voluntarily give, transfer, convey and assign said property, free and clear of all encumbrances, to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever, hereby relinquishing for itself, its successors and assigns all ownership, rights, title, interest and possession therein to the donee absolutely: _____

(Description of property)

The herein described gift and transfer of said property does not entail the granting by the donee of special concessions or privileges to the donor.

The herein described gift and transfer of said property is made for the benefit of or use in connection with the establishment, operation, or maintenance of _____

(Designated Air Force organization or
institution)

or other institution or organization under the jurisdiction of the Department of the Air Force, in conformance with 10 U.S.C. 2601.

IN WITNESS WHEREOF the _____
(Name of company)
has affixed its seal and caused this instrument
to be executed by _____

(Name of person signing)

(The president) (One of its vice presidents)

_____, for and on behalf of the

()

(Name of company) this _____ of _____

(Day) (Month)

(Year)

(Name of company)

By _____

(Signature)

(Signature)

(Seal)

(Dated)

CERTIFICATE

I, _____, certify that I am the

(Name)

(Secretary) (Assistant secretary)

_____ of the _____

() (Name of company)

a corporation; that _____, who

(Name)

signed the Proffer of Gift dated _____

()

on behalf of the _____

(Name of company)

is _____ of

(The president) (A vice president)

the _____; and said Proffer

(Name of company)

of Gift was duly signed for and on behalf of

said corporation by authority of its governing

body and is within the scope of its

corporate powers.

(Date)

(Name)

(Corporate seal)

In the first paragraph, following the word "voluntarily," the words "offer to" should be added; and in the same paragraph, the phrase "hereby relinquishing" should be changed to read "relinquishing upon such gift and conveyance."

At the end of the first paragraph, the following sentence should be added: "Pursuant to this offer, I will deliver to the Department of the Air Force a deed transferring valid title to said property to the Secretary of the Air Force, acting on behalf of the United States of America."

In line one of both the second and third paragraphs, the phrase "The herein described gift and transfer of said property * * *" should be changed to read, "The gift and conveyance of said property offered herein * * *"

If the gift of real estate is under a different statute, cite statute applicable in the place of 10 U.S.C. 2601.

§ 825a.46 Sample proffer of gift by individual.

PROFFER OF GIFT

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, the owner of
(Name)

the property listed below, do hereby voluntarily give, transfer, convey and assign said property, free and clear of all encumbrances, to the Secretary of the Air Force, acting on behalf of the United States of America, to have and to hold the same forever, hereby relinquishing for myself, my executors, administrators, heirs and assigns all ownership, rights, title, interest and possession therein to the donee absolutely: (Description of property)

The herein described gift and transfer of said property does not entail the granting by the donee of special concessions or privileges to me or my executors, administrators, heirs and assigns.

The herein described gift and transfer of said property is made for the benefit of or use in connection with the establishment, operation, or maintenance of _____

(Designated Air Force organization or
institution)

or other institution or organization under the jurisdiction of the Department of the Air Force, in conformance with 10 U.S.C. 2601.

(Signature)

(Seal)

(Dated)

Witness:

(Signature)

NOTE: For proffers of gifts of real property, the language of the above proffer should be modified in the following ways:

In the first paragraph, following the word "voluntarily," the words "offer to" should be added; and the phrase "hereby relinquishing" should be changed to read "relinquishing upon such gift and conveyance."

At the end of the first paragraph, the following sentence should be added: "Pursuant to this offer, I will deliver to the Department of the Air Force a deed transferring valid title to said property to the Secretary of the Air Force, acting on behalf of the United States of America."

In line one of both the second and third paragraphs, the phrase "The herein described gift and transfer of said property * * *" should be changed to read, "The gift and conveyance of said property offered herein * * *"

If the gift of real estate is under a different statute, cite statute applicable in place of 10 U.S.C. 2601.

§ 825a.47 Sample proffer of gift to the Air Force Academy in certain special cases.

Except in unusual cases, the Sample Proffer of Gift by Corporation set forth in § 825a.45 and the Sample Proffer of Gift by Individual set forth in § 825a.46 are appropriate for use in proffering gifts to the Department of the Air Force for the benefit or use of the Air Force Academy. The language set forth below should be recommended for use only in those special cases in which (a) An individual intends to proffer a gift to the Department of the Air Force for the benefit or use of the Air Force Academy; (b) the total amount of his charitable contributions (including the proposed gift to the Academy) during the taxable year for income tax purposes will exceed 20 percent of his adjusted gross income; and (c) he expresses a desire to claim the benefit of the provisions of section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954, which authorize an additional deduction of up to 10 percent of the taxpayer's adjusted gross income for charitable contributions to certain educational organizations. In such special cases, Air Force personnel may recommend that the following language be substituted for the last paragraph of § 825a.46:

The herein described gift and transfer of said property is made for the benefit of or use in connection with the establishment, operation, or maintenance of the United States Air Force Academy, or any organization or institution which may be established in the future as the successor to the United States Air Force Academy, in conformance with 10 U.S.C. 2601.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 65-8731; Filed, Aug. 18, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-1—GENERAL

Procurement Sources

1. In § 8-1.302-1(a), subparagraph (7) is amended to read as follows:

§ 8-1.302-1 General.

(a) * * *

(7) Federal prison industries and blind-made products with the following exceptions:

(i) Shoes, work and dress. (FPI Clearance No. C-4186, May 11, 1965.)

(ii) Civilian suits, including sport coats, dress slacks, and overcoats. (FPI Clearance No. C-69939, Mar. 5, 1957.)

2. The headnote of § 8-1.305-4 is amended to read as follows:

§ 8-1.305-4 Optional use of interim Federal specifications.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 406(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: August 13, 1965.

By direction of the Administrator.

[SEAL] A. T. McANISH,
Acting Associate
Deputy Administrator.

[F.R. Doc. 65-8750; Filed, Aug. 18, 1965; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

**Chapter II—Corps of Engineers,
Department of the Army**

PART 203—BRIDGE REGULATIONS

Correction

F.R. Document 65-8219, appearing at 30 F.R. 9766, August 5, 1965, is corrected by changing the section number "§ 203-277," in the first column near the top of page 9766, to read "§ 203.227."

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-8733; Filed, Aug. 18, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-742; RM-535]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Station Documents

1. The North Pacific Marine Radio Council, Inc., 820 Minor Avenue North, Seattle 9, Wash., has filed a petition requesting that section 8.367 (now 83.367) of the Commission's rules be amended to permit licensees of ship radiotelephone stations not subject to the Safety Convention the option of maintaining on board the Marine Radio Telephony Manual published by the Radio Technical Commission for Marine Services in lieu of Part 83 of the rules. Petitioner states that the RTCM Manual is a handy pamphlet containing a readable, easily understood, and accurate summary of the rules and regulations pertaining to operation in the 2000-3500 kc/s band on voluntarily equipped vessels.

2. The rules governing stations in the maritime services, where safety of life at sea is of primary importance, include detailed rules relating to operational procedures. These rules concern such matters as frequencies to be used for distress, procedures to be used in transmitting distress signals, procedures to

be used in acknowledging distress signals, control of distress communications, and procedures relating to the use of urgency and safety signals. Also included are procedural rules concerning communications other than distress, safety and urgent communications, and rules relating to station licensing, operator requirements, station identification, the use of frequencies, transmitter adjustment and maintenance, secrecy of communications, and other matters with which a station licensee should be familiar. Thus, to assure that licensees have current information concerning the licensing and use of their ship radio stations, each licensee should have available a copy of Part 83 of the Commission's rules.

3. However, recognizing the lack in some instances of appropriate storage space and the fact that the operator of a small boat normally does not have an opportunity to use Part 83 while operating the boat, the rule amendments herein ordered would permit licensees of voluntarily equipped vessels to retain Part 83 of the rules in a suitable place on shore rather than on shipboard. There is no objection, of course to providing a copy of the RTCM Manual on board the vessel if the boat operator desires to do so.

4. The amendments herein ordered are minor in nature and, hence, it is unnecessary to comply with the prior notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act.

5. Accordingly, it is ordered, Effective August 20, 1965, that Part 83 of the Commission's rules is amended as set forth below.

6. It is further ordered, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: August 10, 1965.

Released: August 11, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.367 is amended by revising paragraph (b) to read:

§ 83.367 Station documents.

(b) Ship radiotelephone stations not subject to the Safety Convention shall be provided with the documents listed in subparagraphs (1), (2), (3), and (6) of paragraph (a) of this section: *Provided*, That, at the option of the licensee of a voluntarily equipped radiotelephone station the required copy of Part 83 of the Commission's rules may be retained in a suitable place on shore in lieu of being provided aboard the vessel.

[F.R. Doc. 65-8784; Filed, Aug. 18, 1965; 8:49 a.m.]

¹ Commissioners Hyde, Acting Chairman; Lee and Cox acting as a board.